

REMARKS

Claims 1, 2, 4, 7, 9, and 12 are amended to include the element of "an elastically resilient member having a detent for engaging a recess positioned with the handle." Claims 3, 8, and 13 are cancelled. Claims 14-19 are new. Upon entry of the amendment, Claims 1, 2, 4-7, 9-12, and 14-19 are pending in the present application.

Claims 1-4, 7 and 8 stand rejected under 35 USC § 102 as being anticipated by Schneider US patent No. 6,220,477.

To anticipate the present invention, the reference must disclose every element of the invention as claimed. Because Schneider does not teach every element of the present invention, the Examiner's rejection is improper.

As recited in amended claim 1, the catch mechanism of the present invention is comprised of, "an elastically resilient member having a detent for engaging a recess positioned with the handle." As described in the specification, it is the interaction of detents 31 and 32 with recesses 22 and 24 that provide the catch for positioning and holding the handle 5 in relation to the cookware. (See para. [0038] of the present application)

To contrast, Schneider teaches detents in the form of spherical locking members (55) which are manipulated by a spring biased tab (74) and pins (155) manipulated by a spring biased scissor member (170). To lock the handle, the spring (195) forces the locking members outward to engage lock holes 144, 146. See Col. 6 lines 45-63. It is clear from this description that the reference does not disclose, teach, or suggest the catch mechanism of the present invention.

Claims 4-6, and 9-11 stand rejected under 35 USC § 102 as being anticipated by Kolell US patent No. 2,572,629. Because Kolell does not teach every element of the present invention, the rejection is improper.

Kolell discloses a covering mechanism comprised of a lid, a base, and a handle pivotably mounted to attachment members. The handle is movable between a lifting position with the handle in a vertical position and transverse to the container where the handle is parallel to the walls of the container. Kolell also discloses an eccentric cam to

lift the lid. However, unlike the present invention, Kolell does not teach, suggest, or imply all of the elements of the catch mechanism of the present invention. As described above, Applicants' catch mechanism is comprised of an elastically resilient member having a detent for engaging a recess positioned with the handle. These elements are recited in amended claims 4 and 9 and in new independent claim 14.

New Claims 14-19 describe a cookware item with a handle that is pivotally mountable to an attachment member and includes a catch for positioning and holding the handle relative to the cookware in at least two positions. Specifically, the catch is comprised of an elastically resilient member having a pair of detents for engaging a pair of diametrically opposed recesses positioned with the handle for each catch position. The basis for the new claims can be found in paragraphs [0037-0038] of the present application.

Because the catch mechanism of the present invention is neither described nor implied in either the Schneider or Kolell references, Claims 1, 4, and 9 as amended cannot be properly rejected. Moreover, there is no proper basis for rejecting the amended claims as being obvious pursuant to 35 USC § 103. Finally, dependant Claims 2, 5, 6, 7, 10, 11, and new claims 14-19 are patentable for at least the reasons put forward in support of amended Claim 1.

Claims 9, 12, and 13 stand rejected under 35 USC § 103 as being unpatentable over Schneider in view of Cheng US Patent No. 6,419,107.

Claim 9 as amended describes a cookware item that comprises a base, a lid, a handle and a catch for positioning and holding the handle relative to the cookware which includes an elastically resilient member having a detent for engaging a recess positioned with the handle. Claim 12 depends from 9 and Claim 13 is cancelled.

As already discussed, Schneider does not teach, suggest, or disclose the catch mechanism of the present invention. Moreover, as the Examiner points out, Schneider does not teach the use of a lid with the cookware base. The Cheng reference may in fact disclose cookware with a lid, but Cheng does not teach the catch mechanism of the present invention.

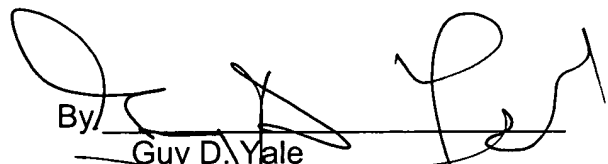
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Applicant respectfully disagrees with the Examiner's assertion that the combination of the reference teachings teaches, discloses, or suggests Applicant's catch mechanism comprising an elastically resilient detent for engaging a recess positioned with the handle. As such, the features of the reference device are not sufficient for anticipating the cookware item that includes the catch mechanism of the present invention.

For all the foregoing reasons, favorable consideration of Claims 1, 2, 4-7, 9-12, and 14-19 is respectfully requested.

Respectfully submitted,

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